

CUSTOMER NO.: 24498**Serial No. 09/904,022**

Reply to Final Office Action dated: 11/15/07

Response dated: 01/15/08

**PATENT
PU010149****RECEIVED
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In the Final Office Action, the Examiner stated that claims 1-10 are pending in the application and that claims 1-10 stand rejected. None of the Applicant's claims are amended by this response.

In view of the following discussion, the Applicant respectfully submits that none of these claims now pending in the application are rendered obvious under the provisions of 35 U.S.C. § 103. Thus the Applicant believes that all of these claims are now in allowable form.

Rejections**A. 35 U.S.C. § 103**

The Examiner rejected the Applicant's claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over Boyce (U.S. Patent No. 5,726,711) in view of Uchimi et al. (U.S. Patent No. 6,078,721, hereafter "Uchimi"). The rejection is respectfully traversed.

The Examiner alleges that regarding claim 1, Boyce teaches a method of recording onto a storage medium a video segment including almost all of the elements of the Applicant's invention but that Boyce fails to disclose selectively converting at least one predictive picture into an intra picture thereby replacing at least one predictive picture with intra picture in video segment as taught and claimed by the Applicant. As such, the Examiner cites Uchimi teaching selectively converting at least one predictive picture into an intra picture thereby replacing at least one predictive picture with intra picture in video segment as taught. The Applicant respectfully disagrees.

The Applicant's Claim 1 recites:

"A method of recording onto a storage medium a video segment, comprising the steps of:

receiving said video segment, wherein said video segment contains at least one introductory predictive picture containing intra macroblocks; and

selectively converting said at least one introductory predictive picture into an intra picture thereby replacing said at least one introductory predictive picture with said intra picture in said video segment." (emphasis added).

In support of the rejection of claims 1 and 6, the Examiner has disregarded the meaning of the claim term introductory predictive picture as defined in the Specification

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and has instead supplemented it with the definition of "introductory" found in the Merriam-Webster dictionary (see Final Office Action of November 15, 2007, p. 2, paragraphs 2-4). Specifically, the Examiner has maintained that "introductory" is not defined anywhere and that the Specification is not the measure of invention. The Applicant respectfully disagrees with the Examiner's assertions.

The meaning of the claim term "introductory predictive picture" is defined in the Specification to be a picture that is used to properly decode a subsequent predictive picture, although it is not itself initially properly decoded. As such, the claim term "introductory predictive picture" should be interpreted in accordance with the definition provided in the Specification.

When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art. In re Zletz, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989).

MPEP 2173.05(a).

The specification should also be relied on for more than just explicit lexicography or clear disavowal of claim scope to determine the meaning of a claim term when applicant acts as his or her own lexicographer; the meaning of a particular claim term may be defined by implication, that is, according to the usage of the term in >the< context in the specification. See Phillips v. AWH Corp., *415 F.3d 1303<, 75 USPQ2d 1321 (Fed. Cir. 2005) (en banc); and Vitronics Corp. v. Conception Inc., 90 F.3d 1576, 1583, 39 USPQ2d 1573, 1577 (Fed. Cir. 1996).

MPEP §2111.01(IV) (emphasis added).

The Applicant respectfully submits that the Applicant's Specification clearly defines an "introductory predictive picture" to be a predictive picture (e.g., a P Picture) that is used to properly decode a subsequent predictive picture, although it is not itself initially properly decoded:

"At step 212, once a video signal is received, one or more of the P pictures contained in the signal can be decoded until a properly decoded P picture is obtained. In one arrangement, the number of the P pictures to be decoded can depend on the amount of I macroblocks in the P pictures. As an example, in the video sequence reproduced above [SH B₀ B₁ P₂ B₃ B₄ P₅ B₆ B₇ P₈ B₉ B₁₀ P₁₁ B₁₂ B₁₃ P₁₄ (Specification p. 9, lines 15-17)], the five P pictures—P₂, P₅, P₈, P₁₁ and P₁₄—can be decoded, which can result in picture P₁₄ being properly decoded. As discussed

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earlier, five P pictures can be used to properly decode a P picture because generally a separate portion (approximately twenty percent) of each P picture in the typical video sequence is comprised of I macroblocks. It should be noted, however, that the invention is not limited to the preceding example, as any other suitable number of P pictures can be decoded for purposes of obtaining a properly decoded P picture. For instance, these initial P pictures can contain different percentages of I macroblocks. For purposes of clarity, the P pictures used to obtain the properly decoded P picture can be referred to as introductory P pictures."

(Specification, p. 10, line 15 to p. 11, line 6). The Specification explicitly states that "introductory predictive pictures" are used to properly decode a subsequent predictive picture. Moreover, one of ordinary skill in the art would interpret an introductory predictive picture as not being initially properly decoded because: a) the Specification refers to the finally decoded picture P₁₄ as being "properly decoded" in contrast to the "introductory predictive pictures"; and b) the Specification in another section describes the pictures used to obtain the properly decoded P picture as being not properly decoded.

"During normal playback of a video signal having no I pictures, there is a brief period in which the picture quality suffers at the initiation of the playback. This is because the pictures at the beginning of the playback must be constructed from the P pictures that are not yet properly decoded. As an example, the first P picture in the playback signal normally contains the first portion of I macroblocks. Thus, the P and B pictures that are constructed from the first P picture cannot be properly decoded, as the first P picture contains only roughly twenty percent of the information needed to produce these pictures. As the playback continues, however, the picture quality improves since more of the P pictures are decoded thereby providing a greater number of correctly decoded I and non-I macroblocks until a properly decoded P picture is acquired." (See Specification, p. 2, line 16 to p. 3, line 4).

Accordingly, because it is defined as such in the Specification, the claim term "introductory predictive picture" should be interpreted as a picture that is used to properly decode a subsequent predictive picture and is not itself initially properly decoded.

Furthermore, as recited in claim 1, aspects of the present principles include "selectively converting said at least one introductory predictive picture into an intra picture thereby replacing said at least one introductory predictive picture with said intra picture in said video segment." (see, e.g. Specification, p. 11, line 22 to p. 12, line 5).

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As discussed in the previously submitted response to the Office Action dated June 18, 2007, neither Boyce nor Uchimi, taken singly or in combination, disclose or render obvious the feature of converting at least one introductory predictive picture into an intra picture. Boyce extracts macroblocks from several different frames and combines them to form an entirely new frame. Boyce does not teach or remotely suggest conversion and replacement of any type of predictive picture in a video segment. In addition, Uchima teaches the conversion of pictures that are properly decoded into intra pictures (see Uchima, Fig. 16; column 11, lines 20-24). Nowhere does Uchima disclose or render obvious converting into an intra picture a predictive picture that is not initially properly decoded.

Thus, the Applicant respectfully submits that the Applicant's claim 1 is patentable over Boyce and Uchima at least because the references fail to disclose or render obvious the feature of "selectively converting said at least one introductory predictive picture into an intra picture thereby replacing said at least one introductory predictive picture with said intra picture in said video segment," as recited in claim 1. That is, the Applicant submits that for at least the reasons recited above, independent claim 1 is not rendered obvious by the teachings of Boyce and Uchimi, alone or in any allowable combination and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Likewise, independent claim 6 recites similar relevant features as recited in the Applicant's independent claim 1. As such, the Applicant submits that for at least the reasons recited above, independent claim 6 is also not rendered obvious by the teachings of Boyce and Uchimi, alone or in any allowable combination and also fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Furthermore, dependent claims 2-5 and 7-10 depend either directly or indirectly from independent claims 1 and 6, respectively, and recite additional features therefor. As such and for at least the reasons set forth herein, the Applicant submits that dependent claims 2-5 and 7-10 are also not rendered obvious by the teachings of Boyce and Uchimi, alone or in any allowable combination. Therefore the Applicant submits that dependent claims 2-5 and 7-10 also fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

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The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

In view of the foregoing, the Applicant respectfully requests that the rejections of the claims set forth in the Final Office Action of November 15, 2007 be withdrawn, that pending claims 1-10 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

Conclusion

Thus the Applicant submits that none of the claims, presently in the application, are rendered obvious under the provisions of 35 U.S.C. § 103(a). Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

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